IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL SIDE APPELLATE JURISDICTION

FIRST APPEAL NO.906 OF 2006

The Regional Director,
Employees State Insurance Corporation — Appellant
vs.
Backbay Export Premises Co-operative
Society Ltd. — Respondents

Mr.H.V.Mehta for the appellant.

None for the respondent.

CORAM : ANOOP V. MOHTA,J.

DATED : 2nd November, 2007

JUDGMENT:

On 9-11-1982 the Insurance Inspector of the Corporation visited premises of Backbay Exports Co-op. Society Ltd., the respondents herein and found that the respondents were employing about 48 employees and rendering services of bill collection, accounts for administration of the premises, providing electricians, lift-men and plumbers etc. for a price.

2. On 8-9-1988 the appellant informed the respondents that on the basis of the Inspection conducted by the Insurance Inspector and on checking the muster-roll-cum-wage register the respondents establishment falls within the purview of Section 1(5) of the E.S.I. Act and covered from 1-7-80 provisionally. The respondent was allotted Code

No.31-31698-102.

3. On 18-10-1988 the respondents letter gave parawise reply to the appellants' letter dated 8-9-1988.

4. On 0-1-1989 the appellants' letter to the respondents informing them that the respondents establishment should be covered provisionally from 1-7-80 and requested them to comply with the provisions of the Act.

5. On 8-9-1989 the show cause notice was issued to the respondents.

6. In 1989, the respondents filed an application being Application; (ESI) No.154 of 89 before the Employees Insurance Court challenging the coverage decision and determination of the amount by the appellant Corporation.

7. On 27-4-2000 the Employees Insurance Court held that the respondent establishment does not fall within the purview of Section 1(5) of the Act and hence could not be covered under the E.S.I. Act and that the respondent is not liable to pay employees and employers contribution with effect from 1st July 1980. Hence, this appeal.

8. In view of the reasoning given in the judgment dated 2nd November, 2007 in First Appeal No.844 of 2004 along with other First Appeals, this First Appeal is also dismissed and disposed of accordingly.

. No order as to costs.

[ANOOP V. MOHTA,J.]